

10.2.2

Summary Suspension Procedure

Procedure

1. Licensing staff who determine that the immediate health and safety of children is in jeopardy must take immediate licensing action.
2. Licensing staff may determine that the immediate health and safety of children is in jeopardy:
 - a. Through direct observation of a child care facility by a DEL licensor.
 - b. Another outside entity, such as, but not limited to, the local building or city officials, local health jurisdictions, or the State Fire Marshal, has declared that extreme health and safety conditions exist which cannot be immediately remedied.
 - c. Through a DLR/CPS report of alleged child abuse and neglect or where DLR/CPS is advising DEL that such concerns warrant either the license being suspended and/or an employee of the center be put on administrative leave without unsupervised access to children.
3. Licensing staff must be able to demonstrate through clear documentation that no other alternative licensing actions, i.e., compliance agreement, would be able to mitigate or remedy the health and safety concerns in the home or center prior to recommending a summary suspension.
4. If a licensing summary suspension action notice has been initiated, licensing staff may not accept a provider's voluntary license surrender except as a temporary measure, and only with the approval of a Service Area Manager (SAM) or designee, pending final approval of the license revocation. The provider retains the right to appeal the revocation action in an adjudicative proceeding under chapter 34.05 RCW and WAC 170.03.
5. If two actions occur at the same time, such as a summary suspension and revocation, both will proceed concurrently. In this instance, the licensor will follow through with both actions simultaneously, and follow the procedures outlined in the specific procedures that apply.
6. A voluntary closure may be accepted if the situation is temporary. For example, if there is a health and safety concern that does not permit the home or center to remain open, but can be remedied through changes to the facility, a voluntary closure of a license may be permitted. The SAM, or designee, must approve all voluntary license surrenders.

Approval

7. If licensing staff determine that a summary suspension is the appropriate licensing action, s/he must first obtain approval from his/her direct supervisor in order to proceed. The supervisor may recommend alternative licensing actions.
8. If the direct supervisor is **not** available, the licensing staff must immediately contact one of the following individuals:
 - a. Another supervisor from the same service area, or the Assistant Service Area Manager (ASAM)

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- b. Service Area Manager (SAM)
 - c. Assistant Director of the Quality Division at the State Office
9. In order to obtain permission to issue a summary suspension, licensing staff must provide sufficient information to the direct supervisor, SAM, or designee.
10. Permission to proceed with a summary suspension will be granted by the agency director, or designee.

Documentation

11. Licensing staff must prepare a legal letter for the supervisor's immediate review. The SAM, or designee, will determine if the legal letter warrants an Assistant Attorney General (AAG) review to obtain legal advice. The legal letter must:
- a. Inform the provider that s/he may no longer legally provide child care and alternative arrangements for the children's care must be made.
 - b. Provide reasons for the summary suspension including citation of specific RCWs and WACs.
 - c. Reference findings of the Fire Marshal or local health jurisdictions if such findings provide a basis for the summary suspension.
 - d. Provide information on the process to request a stay and to request an administrative hearing.
12. Licensing staff must prepare a Licensed Critical Incident Report (LCIR) for submission to the SAM or designee through their supervisor. The LCIR must clearly document the provider's complaint history, circumstances surrounding the need for a summary suspension, and the decision of the supervisor and/or SAM.
13. Licensing staff must prepare and update, as appropriate, documentation within FamLink detailing events and rationale which led to the summary suspension.
14. Licensing staff must prepare and forward all relevant provider notes, legal letters, and LCIR's to the Assistant Director (AD) of the Quality Division in the State Office for purposes of data analysis **after** the summary suspension has been issued. The AD, Licensing Supervisor, and Licensors will be copied on the final version of the LCIR.

Issuance and follow up

15. A summary suspension must be delivered to the provider in person (by the licensor) or personally served by an authorized process server.
16. A child care license is not legally suspended until the provider has the suspension letter in hand specifying the provider's due process rights.
17. The provider has the right to initiate action "to stay" the summary suspension.

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18. The licensor discusses the provider's obligation to submit DEL licensing staff current addresses and telephone numbers of parents / guardians of the children in care.
19. Licensing staff must make a reasonable attempt to inform parents of the licensing action by phone, mail or by meeting them during the facility's opening and closing times. Licensing staff may direct parents to the Child Care Resource and Referral (CCR&R) to find alternate care.
20. Licensors must notify the following entities of a summary suspension, within 3 business days:
 - a. Community service offices, both local and state offices
 - b. Child Care Resource and Referral (CCR&R)
 - c. Office of the Superintendent of Public Instruction – food program
21. Summary suspensions are temporary and may be followed up with additional licensing actions. Timeframes must be clearly stated in the notice of summary suspension regarding due process. Generally, summary suspensions are followed up with a revocation or with full restoration of the license. Licensing staff must follow up on all summary suspensions to ensure proper conclusion and resolution.
22. If the Summary Suspension is rescinded, the licensor must notify the following entities within 3 business days, this includes but is not limited to:
 - a. Community service offices, both local and state offices
 - b. Child Care Resource and Referral (CCR&R)
 - c. Office of the Superintendent of Public Instruction – food program
23. If a provider voluntarily surrenders a license and subsequently reapplies, all issues associated with the voluntary surrender must be reviewed when determining denial or approval of the new application. Additionally, all circumstances of the voluntary surrender must be documented in FamLink.

Definitions

Jeopardy may be a direct impact on the health, safety or well-being of one or more of the children cared for by the facility.

Imminent danger may include environmental or facility problems or incidents that are considered abuse or neglect if the condition remains and no steps are taken to correct the situation.

Summary Suspension takes effect in less than 28 days. This action is reserved for those instances where there is risk of imminent risk of harm to the children in care and immediate action is necessary.